JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS The Estate of JAUN BONILLA, JR, EVERUDIS BONILLA, Individually & as Personal Representative for the Estate of JAUN BONILLA, JR.

(b) County of Residence of First Listed Plaintiff YORK
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
LAW office of Farley G Holt, LLP
34 N. Queen St York, PA 17403
(717) 846-0550

DEFENDANTS The City of York Pennsylvania, City of York Police Department, officer Christopher Rooren; West Manchester Twp.; West Manchester Twp. Police; Officer Michael Jordan

County of Residence of First Listed Defendant YORK
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- [X] 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)* *(For Diversity Cases Only)*

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- [X] 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

V. ORIGIN *(Place an "X" in One Box Only)*

- [X] 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*: 42 U.S.C. § 1983

Brief description of cause: Violation of civil Rights by member of Police Depts. resulting in Death

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $ $1,000,000 +

CHECK YES only if demanded in complaint:
JURY DEMAND: [X] Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 11/21/14

SIGNATURE OF ATTORNEY OF RECORD [signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA

THE ESTATE OF JUAN BONILLA, JR., EVERLIDIS BONILLA, individually & as Personal Representative for the Estate of Juan Bonilla, Jr., Plaintiffs,	:	NO.
vs.	:	CIVIL ACTION Civil Rights Violation (42 U.S.C. Section 1983) State Court Remedies - -Assault & Battery -Wrongful Death Action -Survival Action
THE CITY OF YORK, PENNSYLVANIA, YORK CITY POLICE DEPARTMENT OFFICER CHRISTOPHER ROOSEN, WEST MANCHESTER TOWNSHIP, WEST MANCHESTER TOWNSHIP POLICE DEPARTMENT, OFFICER MICHAEL JORDAN, Defendant.	:	JURY TRIAL DEMANDED

COMPLAINT

AND NOW, TO WIT, this 21st day of November, 2014, comes the above-captioned Plaintiffs, The Estate of Juan Bonilla and Everlidis Bonilla, individually and as Personal Representative for the Estate of Juan Bonilla, Jr., by and through their attorney, Farley G Holt, and files the within Complaint to which the following is a statement:

A. JURISDICTION:

1. Jurisdiction in proper in this Court according to 42 U.S.C. Section 1983.

B. PARTIES:

1. The above-captioned Plaintiff, The Estate of Juan Bonilla, is an Estate opened for probate, having been filed at the Register of Wills for York County, Pennsylvania concerning the adult individual of Juan Bonilla, deceased, as of November 24, 2012, having resided in York, York County, Pennsylvania prior to his demise.

2. The above-captioned Decedent, Juan Bonilla, Jr., was an adult individual and a resident of York, York County, Pennsylvania, and a citizen of the United States of America, prior to his death.

3. The above-captioned Plaintiff, Everlidis Bonilla, is an adult individual whose current address is 212 South Penn Street, York, Pennsylvania 17401, who is the Mother and survivor/next of kin, of the foregoing Decedent, Juan Bonilla, Jr.

4. The above-captioned Defendant, The City of York, Pennsylvania, is a city organized, incorporated and existing pursuant to the laws of the Commonwealth of Pennsylvania, located in York County, Pennsylvania

5. The above-captioned Defendant, York City Police Department, is an agency organized and existing pursuant to the laws and regulations of Pennsylvania, and laws, ordinances and/or executive Orders of the City of York, Pennsylvania, with its principal place of business being located at 50 West King Street, York, Pennsylvania 17401.

6. The above-captioned Defendant, Officer Christopher Roosen, [hereinafter referred to as Defendant Roosen], is an adult individual who at all times relevant hereto, was employed as a police officer by the Defendant, The City of York, Pennsylvania, more specifically, by the York City Police Department.

7. The above-captioned Defendant, West Manchester Township, is a governmental entity organized and existing pursuant to the laws of the Commonwealth of Pennsylvania with its principal place of business being located at 380 East Berlin Road, York, Pennsylvania 17408.

8. The above-captioned Defendant, West Manchester Township Police Department, is an agency organized and existing pursuant to the laws and regulations of the Commonwealth of Pennsylvania, and the laws, ordinances and/or executive Orders of West Manchester Township, with its principal place of business being located at 380 East Berlin Road, York, Pennsylvania 17408.

9. The above-captioned Defendant, Officer Michael Jordan, [hereinafter referred to as Defendant Jordan], is an adult individual, who at all times relevant hereto, was employed as a police officer by the Defendant, West Manchester Township Police Department located at 380 East Berlin Road, York, Pennsylvania 17408.

10. The above-captioned Defendants, at all times relevant hereto, were acting under the authority and/or color of State law at the time these civil claims occurred.

C. FACTUAL BASIS/NATURE OF CASE:

11. Paragraphs one through ten of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

12. On or about November 24, 2012, during the early morning hours, the foregoing Decedent, Juan Bonilla, Jr., while in the company of other friends, patronized at private club known as the Veterans Political Association (a/k/a and hereinafter referred to as Ada's), which is located at 807 Loucks Road, York, Pennsylvania 17404.

13. During the course of the Decedent's, Juan Bonilla, Jr.'s, patronage of Ada's Nightclub, a dispute had arose inside the private club, which initially did not involve the Decedent, Juan Bonilla, Jr.

14. During the course of the dispute, the Decedent, Juan Bonilla, Jr. became involved and gunshots were fired inside the private club, after which time, the patrons began to quickly exit the club, including the Decedent, Juan Bonilla, Jr.

15. While outside the private club (Ada's), the Decedent, Juan Bonilla, Jr., did in fact fire multiple shots at the individual, who was also involved in the dispute by the name of James Fudge.

16. During the course of the foregoing incident, the Decedent, Juan Bonilla, Jr., moved Southward from Ada's parking lot to the parking lot of Royers Flower Shop located adjacent to the private club (Ada's) located on Loucks Road, (Route 30), York, Pennsylvania.

17. As a result of the dispute and the shots fired, York County Control sent a dispatch out to the York City Police Department which was initially answered and responded to by Defendant, Rosen of the York City Police Department, as well as by Defendant Jordan of the West Manchester Township Police Department.

18. The incident had occurred within the jurisdiction of the York City Police Department; however, given the close proximity of Defendant Jordan of the West Manchester Township Police Department, and the nature of the dispatch, Defendant Jordan also responded to the scene.

19. Defendant Roosen, was the first to respond to the scene, with Defendant Jordan, responding shortly thereafter, as well as other officers from the York City Police Department responding as well.

20. Defendant Roosen and Defendant Jordan parked their police vehicles near the establishment known as Haller Heating and Cooling, which was the only means of ingress and egress in relation to the scene.

21. Both Defendants Roosen and Jordan observed the Decedent, Juan Bonilla, Jr. moving away from Ada's parking lot and onto the sidewalk located next to Royers Flower Shop.

22. Defendant Roosen took up a position behind the Decedent, Juan Bonilla, Jr. and watched as the Decedent was firing shots in the opposite direction towards Route 30.

23. During the course of the incident, Defendant Roosen, who was armed with a .40 Caliber automatic handgun, emptied his clip firing 15 shots while attempting to strike the Decedent, Juan Bonilla, Jr. and in an effort to stop the Decedent from continuing to shoot.

24. Defendant Jordan also fired upon the Decedent, Juan Bonilla, Jr., several times from his position near Haller Heating and Cooling, which would have been to the East of Decedent's left hand side.

25. During the course of the exchange of fire, the Decedent, Juan Bonilla, Jr., was initially struck by a bullet which penetrated his left thigh.

26. Simultaneously with being struck in the left thigh, the Decedent immediately dropped his firearm and began to hobble Eastward through the Royers Flower Shop parking lot towards the position that was occupied by Defendant Jordan. Defendant Roosen witnessed the gun being dropped but later indicated that he was unsure if what the Decedent had dropped was a gun or not despite the fact that Decedent did not fire any more shots.

27. As Decedent reached a grassy medium strip that separated Royers Flower Shop parking lot from the parking lot/driveway of Hallers Heating and Cooling, the Decedent stumbled over the curb and fell to one knee.

28. While on his knee, the Decedent, Juan Bonilla, Jr., raised his hands as if to surrender, and addressed Defendant Jordan by making a statement to the effect "yo, yo, really?" at which time the Decedent, who was unarmed, collapsed face down into the grassy medium area.

29. At this point in time, the Decedent had traveled approximately 65 feet from the area where he was initially shot in the left thigh and dropped his gun to the location where he had collapsed in the grassy medium.

30. While the Decedent laid unarmed in the grassy medium, Defendant Jordan had admitted to firing an additional shot, taking aim at the Decedent's chest area while the Decedent laid face down on the ground attempting to roll on his side.

31. According to the Pennsylvania State Police ballistic analysis report; the Pennsylvania State Police Laboratory was unable to be confirmed as to which of the two Defendant Officers had fired the fatal shot that had entered the Decedent approximately in the middle of his back, (1&2 inches to left of the midline), 11 inches from the top of his shoulder, proceeding upward approximately 1 and ½ inches to the left of the midline and traveling upward towards Decedent's

left shoulder, piercing his heart and fatally wounding the Decedent.

32. At the time when Defendant Jordan shot at the Decedent while he was on the ground, Defendant Jordan was located approximately 10 - 15 feet away from the Decedent.

33. After conducting an independent investigation into this matter, it was concluded that prior to being fatally shot, the Decedent had been unarmed for some time, having hobbled approximately 65 feet from the point where he was last armed, and after hobbled across the parking lot, the Decedent had raised his arms in an effort to surrender prior to collapsing and being fatally shot.

34. Based upon the foregoing information, it was concluded that prior to the time that the Decedent was fatally shot by either Defendant Roosen of the York City Police Department or Jordan of the West Manchester Township Police Department, the Decedent was unarmed, and attempted to surrender, thus rendering the use of deadly force unnecessary, unjustified and thus, excessive.

35. As a direct result of the unjustified use of deadly force, the Decedent, Juan Bonilla, Jr., lost his life.

D. CAUSES OF ACTIONS:

COUNT I

**The Estate of Juan Bonilla, Jr. by and through his Personal Representative, Everlidis Bonilla vs. the City of York and the York City Police Department
Civil Rights Violation 42 U.C.S. Section 1983**

36. Paragraphs one through thirty-five of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

37. Plaintiffs believe and therefore aver, that the Defendants, namely the City of York and the York City Police Department, violated the Decedent's civil rights, more specifically his rights as guaranteed under the Fourth Amendment to the United States Constitution, in that Defendant, City of York and the York City Police Department failed to properly train its police officers in the use of deadly force and that such failure to properly train resulted in an official policy and/or custom.

38. More specifically in this regard, Plaintiffs believe and therefore aver that Defendants, City of York and the York City Police Department, failed to properly train Defendant, Officer Christopher Roosen, in the use of deadly force in that:

a. Any such training protocol was insufficient;

b. That such training was provided with insufficient frequency, (i.e., continuing education and/or refresher training);

c. Defendants failed to test its officers, more specifically, Officer Christopher Roosen, to ensure that Officer Roosen understood the training and retained training knowledge.

39. As a direct and proximate result of the failure of Defendants, City of York and York City Police Department, to properly train Officer Christopher Roosen in the use of deadly force, all of which resulted in an official policy and/or custom, Defendants are liable for any such violation of the Decedent's, Juan Bonilla, Jr.'s constitutional rights that resulted from such official policy and/or custom.

40. Such violation by Defendants, City of York and York City Police Department, ultimately resulted in the loss of Decedent, Juan Bonilla, Jr.'s life.

WHEREFORE, the above-captioned Plaintiffs, The Estate of Juan Bonilla, Jr. and Everlidis Bonilla, respectfully request that this Honorable Court enter judgment in their favor and against the Defendants, the City of York and the York City Police Department, jointly and severally, as follows:

a. Compensatory damages in excess of $1,000,000.00

b. A reasonable amount constituting punitive damages;

c. Reasonable cost of Plaintiffs' prosecution costs, including but not limited to, payment of Plaintiffs' reasonable attorney's fees; and

d. Any other relief this Honorable Court may deem just and appropriate in this matter.

COUNT II

The Estate of Juan Bonilla, Jr., by and through his Personal Representative, Everlidis Bonilla vs. York City Police Officer Christopher Roosen Civil Rights Violation 42 U.C.S. Section 1983

41. Paragraphs one through forty of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

42. Plaintiffs believe and therefore aver, that should it be determined that Officer Christopher Roosen had fired the fatal shot that had killed the Decedent, Juan Bonilla, Jr., at the time in which he was unarmed, wounded and attempting to surrender, the same constitutes an unjustifiable use of deadly force while acting in the line and duty of a police officer and under the color of law, all of which resulted in a violation of the Decedent's constitutional rights as protected by the Fourth Amendment of the United States Constitution.

43. As a result of Defendant Officer Christopher Roosen's violation of Decedent's constitutional rights, Decedent, Juan Bonilla, Jr. lost his life.

WHEREFORE, the above-captioned Plaintiffs, The Estate of Juan Bonilla, Jr. and Everlidis Bonilla, respectfully request that this Honorable Court enter judgment in their favor and against the Defendant, Officer Christopher Roosen, as follows:

a. Compensatory damages in excess of $1,000,000.00

b. A reasonable amount constituting punitive damages;

c. Reasonable cost of Plaintiffs' prosecution costs, including but not limited to, payment of Plaintiffs' reasonable attorney's fees; and

d. Any other relief this Honorable Court may deem just and appropriate in this matter.

COUNT III

The Estate of Juan Bonilla, Jr., by and through his Personal Representative, Everlidis Bonilla vs. West Manchester Township and the West Manchester Township Police Department Civil Rights Violation 42 U.C.S. Section 1983 (Plaintiffs' Alternative Cause of Action to Court I of Plaintiffs' Complaint)

44. Paragraphs one through forty-four of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

45. Plaintiffs believe and therefore aver, that the Defendants, namely West Manchester Township and the West Manchester Township Police Department, violated the Decedent's civil rights, more specifically his rights as guaranteed under the Fourth Amendment to the United States Constitution, in that Defendant, West Manchester Township and the West Manchester Township Police Department failed to properly train its police officers in the use of deadly force and that such failure to properly train resulted in an official policy and/or custom.

46. More specifically in this regard, Plaintiffs believe and therefore aver that Defendants, West Manchester Township and the West Manchester Township Police Department, failed to properly train Defendant, Officer Michael Jordan, in the use of deadly force in that:

a. Any such training protocol was insufficient;

b. That such training was provided with insufficient frequency, (i.e., continuing education and/or refresher training);

c. Defendants failed to test its officers, more specifically, Officer Michael Jordan, to ensure that Officer Jordan understood the training and retained training knowledge.

47. As a direct and proximate result of the failure of Defendants, West Manchester Township and the West Manchester Township Police Department, to properly train Officer Michael Jordan in the use of deadly force, all of which resulted in an official policy and/or custom, Defendants are liable for any such violation of the Decedent's, Juan Bonilla, Jr.'s constitutional rights that resulted from such official policy and/or custom.

48. Such violation by Defendants, West Manchester Township and the West Manchester Township Police Department, ultimately resulted in the loss of Decedent, Juan Bonilla, Jr.'s life.

WHEREFORE, the above-captioned Plaintiffs, The Estate of Juan Bonilla, Jr. and Everlidis Bonilla, respectfully request that this Honorable Court enter judgment in their favor and against the Defendants, West Manchester Township and the West Manchester Township Police Department, jointly and severally, as follows:

a. Compensatory damages in excess of $1,000,000.00

b. A reasonable amount constituting punitive damages;

c. Reasonable cost of Plaintiffs' prosecution costs, including but not limited to, payment of Plaintiffs' reasonable attorney's fees; and

d. Any other relief this Honorable Court may deem just and appropriate in this matter.

COUNT IV

The Estate of Juan Bonilla, Jr., by and through his Personal Representative, Everlidis Bonilla vs. West Manchester Township Police Officer Michael Jordan Civil Rights Violation 42 U.C.S. Section 1983 (Plaintiffs' Alternate Theory to Count III of Plaintiff's Complaint)

49. Paragraphs one through forty-eight of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

50. Plaintiffs believe and therefore aver, that should it be determined that Officer Michael Jordan had fired the fatal shot that had killed the Decedent, Juan Bonilla, Jr., at the time in which he was unarmed, wounded and attempting to surrender, the same constitutes an unjustifiable use of deadly force while acting in the line and duty of a police officer and under the color of law, all of which resulted in a violation of the Decedent's constitutional rights as protected by the Fourth Amendment of the United States Constitution.

51. As a result of Defendant Officer Michael Jordan's violation of Decedent's constitutional rights, Decedent, Juan Bonilla, Jr. lost his life.

WHEREFORE, the above-captioned Plaintiffs, The Estate of Juan Bonilla, Jr. and Everlidis Bonilla, respectfully request that this Honorable Court enter judgment in their favor and against the Defendant, Officer Michael Jordan, as follows:

a. Compensatory damages in excess of $1,000,000.00

b. A reasonable amount constituting punitive damages;

c. Reasonable cost of Plaintiffs' prosecution costs, including but not limited to, payment of Plaintiffs' reasonable attorney's fees; and

d. Any other relief this Honorable Court may deem just and appropriate in this matter.

COUNT V

The Estate of Juan Bonilla, Jr. vs. York City Police Officer Christopher Roosen
Assault and Battery

52. Paragraphs one through fifty-one of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

53. If in fact it is determined that Officer Christopher Roosen had fired and inflicted the fatal shot to the Decedent, Juan Bonilla, Jr., at the time in which the Decedent was unarmed, wounded and attempting to surrender, the same constitutes an unwanted and offensive threat of physical contact (assault) and actual unwanted and offensive contact (battery) by the Defendant Roosen.

54. As a result of the foregoing actions, all of which Plaintiffs claim constitutes the civil torts of Assault and Battery, the Decedent suffered injury to his person in the form of pain, suffering and ultimate death.

WHEREFORE, the above-captioned Plaintiffs respectfully request that this Honorable Court enter judgment in their favor and against York City Police Officer, Christopher Roosen, as follows:

a. Compensatory damages;

b. Costs of prosecution of the instant action;

c. An amount representing statutory interest; and

d. Any other relief this Honorable Court may deem just and appropriate in this matter.

COUNT VI

The Estate of Juan Bonilla, Jr. vs. West Manchester Township
Police Officer Michael Jordan
Assault and Battery
(Alternative Theory to Count V of Plaintiffs' Complaint)

55. Paragraphs one through fifty-four of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

56. If in fact it is determined that Officer Michael Jordan had fired and inflicted the fatal shot to the Decedent, Juan Bonilla, Jr., at the time in which the Decedent was unarmed, wounded and attempting to surrender, the same constitutes an unwanted and offensive threat of physical contact (assault) and actual unwanted and offensive contact (battery) by the Defendant Jordan.

57. As a result of the foregoing actions, all of which Plaintiffs claim constitutes the civil torts of Assault and Battery, the Decedent suffered injury to his person in the form of pain and suffering and ultimate death.

WHEREFORE, the above-captioned Plaintiffs respectfully request that this Honorable Court enter judgment in their favor and against Defendant, West Manchester Township Police Officer Michael Jordan, as follows:

a. Compensatory damages;

b. Costs of prosecution of the instant action;

c. An amount representing statutory interest; and

d. Any other relief this Honorable Court may deem just and appropriate in this matter.

COUNT VII

Wrongful Death Action
The Estate of Juan Bonilla, Jr., by and through his Personal Representative (Mother), Everlidis Bonilla vs. York City Police Officer Christopher Roosen

58. Paragraphs one through fifty-seven of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

59. This cause of action is being brought by the Decedent's Mother and Personal Representative, Everlidis Bonilla for the Estate of Juan Bonilla, Jr, having been duly appointed by the Register of Wills of York County, Pennsylvania in this regard.

60. If in fact it is determined that Defendant, Officer Christopher Roosen had fired and inflicted the fatal shot to the Decedent, Juan Bonilla, Jr., at the time in which he was unarmed, wounded and attempting to surrender, his actions in doing so constitutes wrongful death of the Decedent, Juan Bonilla, Jr., in that Officer Christopher Roosen's actions were wanton, intentional and deliberate in taking aim and shooting at the Decedent center mass (i.e. shooting with intent to kill).

61. As a result of the wrongful death of Decedent caused by Defendant Officer Christopher Roosen's foregoing actions, the Estate of Juan Bonilla, Jr., has sustained damages, and is entitled to relief in the form of damages under Rule 2202 of the Pennsylvania Rules of Civil Procedure for hospital, medical, funeral, burial and administrative costs incurred in connection with the Decedent's estate, compensatory awards an amount that will adequately compensate the

Decedent's family; the loss of any such contribution as they would have received between the time of death until present; an amount of support he would have contributed to his family between the present to the end of his life's expectancy, an amount to fairly compensate for pecuniary loss of value of services, society and comfort that he would have given his family should he had lived.

WHEREFORE, the above-captioned Plaintiff, The Estate of Juan Bonilla, Jr. by and through Decedent's Mother and Personal Representative, Everlidis Bonilla, respectfully requests that this Honorable Court enter judgment in their favor and against Defendant, York City Police Officer Christopher Roosen, as follows:

a. A reasonable amount for compensatory damages for hospital, medical, funeral, burial and administrative costs incurred in connection with the Decedent's estate

b. A reasonable amount of compensatory damages in an amount that will adequately compensate Decedent's family for the loss of any contribution as would have been received between the time of Decedent's death until present;

c. A reasonable amount for compensatory damages for support Decedent would have contributed to his family between the present to the end of his life's expectancy;

d. A reasonable amount of compensatory damages for pecuniary loss of value of services, society and comfort Decedent would have given his family should he had lived;

e. Costs associated with the prosecution of the instant action;

f. Any other relief this Honorable Court may deem just and appropriate in this matter.

COUNT VIII

Wrongful Death Action
The Estate of Juan Bonilla, Jr., by and through his Personal Representative (Mother), Everlidis Bonilla vs. West Manchester Township Police Department Michael Jordan
(Alternative Theory to Count VII of Plaintiffs' Complaint)

62. Paragraphs one through fifty-one of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

63. This cause of action is being brought by the Decedent's Mother and Personal Representative, Everlidis Bonilla for the Estate of Juan Bonilla, Jr, having been duly appointed by the Register of Wills of York County, Pennsylvania in this regard.

64. If in fact it is determined that Defendant Officer Michael Jordan had fired and inflicted the fatal shot to the Decedent, Juan Bonilla, Jr., at the time in which he was unarmed, wounded and attempting to surrender, his actions in doing so constitutes wrongful death of the Decedent, Juan Bonilla, Jr., in that Officer Michael Jordan's actions were wanton, intentional and deliberate in taking aim and shooting at the Decedent center mass (i.e. shooting with intent to kill).

65. As a result of the wrongful death of Decedent caused by Defendant Officer Michael Jordan's foregoing actions, the Estate of Juan Bonilla, Jr., has sustained damages, and is entitled to relief in the form of damages under Rule 2202 of the Pennsylvania Rules of Civil Procedure, for hospital, medical, funeral, burial and administrative costs incurred in connection with the Decedent's estate, compensatory awards an amount that will adequately compensate the Decedent's family; the loss of any such contribution as they would have received between the time of death until present; an amount of support he would have contributed to his family between the present to the end of his life's expectancy, an amount to fairly compensate for pecuniary loss of value of services, society and comfort that he would have given his family should he had lived.

WHEREFORE, the above-captioned Plaintiff, The Estate of Juan Bonilla, Jr. by and through Decedent's Mother and Personal Representative, Everlidis Bonilla, respectfully requests that this Honorable Court enter judgment in their favor and against Defendant, West Manchester Township Police Officer Michael Jordan Rosen, as follows:

a. A reasonable amount for compensatory damages for hospital, medical, funeral, burial and administrative costs incurred in connection with the Decedent's estate

b. A reasonable amount of compensatory damages in an amount that will adequately compensate Decedent's family for the loss of any contribution as would have been received between the time of Decedent's death until present;

c. A reasonable amount for compensatory damages for support Decedent would have contributed to his family between the present to the end of his life's expectancy;

d. A reasonable amount of compensatory damages for pecuniary loss of value of services, society and comfort Decedent would have given his family should he had lived;

e. Costs associated with the prosecution of the instant action;

f. Any other relief this Honorable Court may deem just and appropriate in this matter.

COUNT IX
Survival Action
The Estate of Juan Bonilla, Jr., by and through his Personal Representative, Everlidis Bonilla vs. York City Police Officer Christopher Roosen

66. Paragraphs one through sixty-five of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

67. This cause of action is being brought by the Decedent's Mother and Personal Representative, Everlidis Bonilla for the Estate of Juan Bonilla, Jr, having been duly appointed by the Register of Wills of York County, Pennsylvania in this regard.

68. If in fact it is determined that Defendant, Officer Christopher Roosen had fired and inflicted the fatal shot to the Decedent, Juan Bonilla, Jr., at the time in which he was unarmed, wounded and attempting to surrender, his actions in doing so constitutes wrongful death of the Decedent, Juan Bonilla, Jr., in that Officer Christopher Roosen's actions were wanton, intentional and deliberate in taking aim and shooting at the Decedent center mass (i.e. shooting with intent to kill).

69. As a result of the wrongful death of Decedent caused by Defendant Officer Christopher Roosen's foregoing actions, the Estate of Juan Bonilla, Jr., is entitled to receive a reasonable amount to fairly and adequately compensate for the mental and physical pain and suffering and inconvenience that the Decedent had to endure at the time of his injuries to the moment of his death; compensatory damages for an amount the Decedent would have arned from the date of his death to the present; compensatory damages in an amount that Decedent would have earned between the date of his death to the present; and compensatory damages in an amount that Decedent would have earned from the present to the end of his life expectancy.

WHEREFORE, the above-captioned Plaintiff, The Estate of Juan Bonilla, Jr. by and through Decedent's Mother and Personal Representative, Everlidis Bonilla, respectfully requests that this Honorable Court enter judgment in their favor and against Defendant, York City Police Officer Christopher Roosen, as follows:

a. A reasonable amount to fairly and adequately compensate for the mental and physical pain and suffering and inconvenience that the Decedent had to endure at the time of his injuries to the moment of his death;

b. An amount for compensatory damages in an amount representing what the Decedent would have earned from the date of his death to the present;

c. An amount for compensatory damages representing that Decedent would have earned from the present to the end of his life expectancy;

d. Costs associated with the prosecution of the instant Complaint;

e. Any other relief this Honorable Court may deem just and appropriate in this matter.

COUNT X
Survival Action
The Estate of Juan Bonilla, Jr., by and through his Personal Representative, Everlidis Bonilla vs. West Manchester Township Police Department Officer Michael Jordan
(Alternative Theory to Count IX of Plaintiffs' Complaint)

70. Paragraphs one through sixty-nine of Plaintiffs' Complaint are incorporated herein by reference as if set forth in full.

71. This cause of action is being brought by the Decedent's Mother and Personal Representative, Everlidis Bonilla for the Estate of Juan Bonilla, Jr, having been duly appointed by the Register of Wills of York County, Pennsylvania in this regard.

72. If in fact it is determined that Defendant, Officer Michael Jordan had fired and inflicted the fatal shot to the Decedent, Juan Bonilla, Jr., at the time in which he was unarmed, wounded and attempting to surrender, his actions in doing so constitutes wrongful death of the Decedent, Juan Bonilla, Jr., in that Officer Michael Jordan's actions were wanton, intentional and deliberate in taking aim and shooting at the Decedent center mass (i.e. shooting with intent to kill).

73. As a result of the wrongful death of Decedent caused by Defendant Officer Michael Jordan's foregoing actions, the Estate of Juan Bonilla, Jr., is entitled to receive a reasonable amount to fairly and adequately compensate for the mental and physical pain and suffering and inconvenience that the Decedent had to endure at the time of his injuries to the

moment of his death; compensatory damages for an amount the Decedent would have arned from the date of his death to the present; compensatory damages in an amount that Decedent would have earned between the date of his death to the present; and compensatory damages in an amount that Decedent would have earned from the present to the end of his life expectancy.

WHEREFORE, the above-captioned Plaintiff, The Estate of Juan Bonilla, Jr. by and through Decedent's Mother and Personal Representative, Everlidis Bonilla, respectfully requests that this Honorable Court enter judgment in their favor and against Defendant, West Manchester Township Police Officer Michael Jordan, as follows:

a. A reasonable amount to fairly and adequately compensate for the mental and physical pain and suffering and inconvenience that the Decedent had to endure at the time of his injuries to the moment of his death;

b. An amount for compensatory damages in an amount representing what the Decedent would have earned from the date of his death to the present;

c. An amount for compensatory damages representing that Decedent would have earned from the present to the end of his life expectancy;

d. Costs associated with the prosecution of the instant Complaint;

e. Any other relief this Honorable Court may deem just and appropriate in this matter.

f. Any other relief this Honorable Court may deem just and appropriate in this matter.

Date: 11/21/2014

Respectfully submitted,

/s/ Farley G. Holt

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PA Attorney ID.:59920
34 North Queen Street
York, Pennsylvanai 17403
Phone: (717) 846-0550
Email: fgholt@gmail.com

DECLARATION UNDER PENALTY OF PERJURY

I, Everlidis Bonilla, the undersigned, declares under penalty of perjury, that I am the Plaintiff in the above-captioned action, that the entire contents of the Complaint prepared in this matter have been interpreted for me and read to me in Spanish in its entirety, and that the information contained in the Complaint is true and correct to the best of my knowledge, information and belief.

28 U.S.C. Section 1746; 18 U.S.C.

Executed at: **The Law Offices of Farley G Holt, Esquire**
34 North Queen Street, York, PA 17403

Date of Execution: **November 21, 2014**

Everlidis Bonilla

Everlidis Bonilla

Section 1621.